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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,851	07/31/2001	Danny A. McCall	21903.003	3940

21878 7590 08/13/2003

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT PAPER NUMBER

2172

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/918,851

Applicant(s)

MCCALL ET AL.

Examiner

Jean B Fleurantin

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-137 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-137 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is response to the application filed on July 31, 2001.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-60 are drawn to a method matching data files, facilitating the creation of a Category A data file having a first set of characteristics defined utilizing a common language architecture, classified in class 707, subclass 6.
 - II. Claims 61-76 are drawn to a method matching data files, storing a Category A data file having a first set of characteristics; storing a Category B data file having a second set of characteristics, classified in class 707, subclass 7.
 - III. Claims 77-97 are drawn to a method, storing a plurality of Category A data files, each corresponding to a Category A user and each having a set of characteristics, classified in class 707, subclass 9.
 - IV. Claims 98-106 are drawn to a method, assigning a unique reference identifier to the data file, classified in class 707, subclass 3.
 - V. Claims 107- 132 are drawn to a method, publishing the Category A data file in a specific marketplace, classified in class 705, subclass 10.
 - VI. Claims 133-137 are drawn to a method, using fuzzy logic to determine the degree of fit of the Category B data file relative to the Category A data file, classified in class 706, subclass 2.

The inventions are distinct, each from the other because of the following reasons:

The inventions in Groups I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention Group I has separate utility such as a method matching data files, facilitating the creation of a Category A data file having a first set of characteristics defined utilizing a common language architecture. Invention Group II has separate utility such as, storing a Category A data file having a first set of characteristics; storing a category B data file having a second set of characteristics. Invention Group III has separate utility such as storing a plurality of Category A data files, each corresponding to a Category A user and each having a set of characteristics. Invention Group IV has separate utility such as assigning a unique reference identifier to the data file. Invention Group V has separate utility such as publishing the Category A data file in a specific marketplace. See MPEP 806.05(d). Invention Group VI has separate utility such as using fuzzy logic to determine the degree of fit of the Category B data file relative to the Category A data file.

Because these inventions are distinct for the reasons given above and have required a separate status in the art as shown by their different classification and the search required for Group I is not required for Groups II, III, IV, V and VI restriction for examination purpose as indicated is proper.

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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A telephone call was made to Mr. James D. Wright on August 05, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

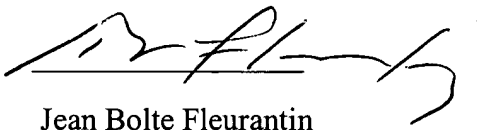
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Contact Information

3. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".

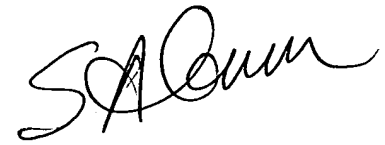

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

August 9, 2003

JBf/

SHAHID AL ALAM
PATENT EXAMINER